



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tsien et al. Docket No: 39754-0831CP2
Serial No: 09.866.538 Group Art Unit: 1653
Filed: May 24, 2001 Examiner: Chih-Min Kam
For: **NON-OLIGOMERIZING TANDEM FLUORESCENT PROTEINS**

Commissioner for Patents
Washington, D.C. 20231

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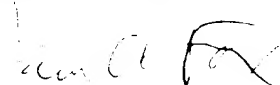
MAR 18 2003

TRANSMITTAL

TECH CENTER 1600/2900

- ☒ Transmitted herewith are the following documents:
- (1) Transmittal;
 - (2) Response to Restriction Requirement.
- ☒ The Commissioner is authorized to charge any required fees, or credit any overpayment to Deposit Account No. 08-1641.
- ☒ Attached is a postcard for date-stamped return as confirmation of receipt of these materials.

Respectfully submitted,

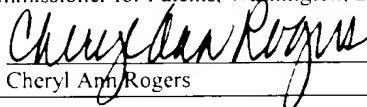

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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on February 27, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: February 27, 2003


Cheryl Ann Rogers

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For : NON-OLIGOMERIZING
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PROTEINS
Examiner : CHIH-MIN KAM
Group Art Unit : 1653

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Date
Cheryl Rogin

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The present communication is responsive to the Office Action mailed on January 16, 2003 (Paper No. 15). That Office Action set a shortened statutory period for reply of one month, for which a one month extension is requested. The present communication satisfies the Examiner's requirement for Restriction.

The Restriction Requirement

The claims are subjected to restriction among the following groups:

- I. Claims 88-110, 128, 134, and 138
- II. Claims 111-121, 129, 135, and 139
- III. Claims 122, 124, 126, 130, 132, 136, 138, 140, 142, 144, 146, 148, 150, and 152
- IV. Claims 123, 125, 127, 131, 133, 137, 139, 14, 145, 147, 149, 151, and 153

The claims are further subject to restriction depending upon which group is elected. This further selection required by the Examiner is not species election.

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If Invention I is elected, the claims are subjected to selection from the following groups:

One fluorescent protein from a specific organism from claims 91 to 95

One specific fluorescent protein sequence from claims 91 to 95

One mutation related to the elected fluorescent protein sequence of claims 92 and 96-98

If Invention I is elected, the claims are subjected to selection from the following groups:

If Invention II is elected, the claims are subjected to selection from the following groups:

One specific mutation related to the fluorescent protein sequence from claims 117-121
must be selected.

**Applicants hereby elect, with traverse, invention I, the invention of claims 88-110,
128, 134, and 138.**

**In addition, the elected claims being subjected to further selection as described
above, Applicants hereby select, with traverse:**

The fluorescent protein from a specific organism from claims 91 to 95:

***Aequorea* GFP related protein**

The specific fluorescent protein sequence from claims 91 to 95:

enhanced ECFP (SEQ ID NO:6)

The mutation related to the elected fluorescent protein sequence of claims 92 and 96-98:

an A206K mutation of SEQ ID NO:6